



3. However, the Holland Defendants oppose production of the Settlement Agreement because they consider it confidential. Cianna and Plaintiff have spent an inordinate amount of time and energy attempting to resolve this issue without court intervention, with no success. May 2016 pretrial deadlines and the June trial date are rapidly approaching, and the parties therefore need expedited consideration of this issue.

4. As detailed in Cianna's Motion to Compel, the Settlement Agreement is discoverable because it is not privileged and is relevant to Cianna's defense against Plaintiff's "subsequent transferee" fraudulent transfer claims pursuant to the single satisfaction requirement in Section 550(d) of the Bankruptcy Code. Likewise, it is relevant to potential witness bias and prejudice to the extent the Holland Defendants may have agreed to testify or cooperate in Plaintiff's pursuit of claims against Cianna. Any private agreement between Plaintiff and the Holland Defendants to treat the Settlement Agreement confidentially does not limit or impair Cianna's right to discovery documents and information relevant to its defense of this lawsuit. Moreover, Cianna is willing to treat the document confidentially in accordance with the Court's Confidentiality Stipulation and Agreed Protective Order [Dkt 8] or any similar protective order the Court deems appropriate. Accordingly, Cianna's Motion to Compel respectfully asks this Court to enter an order compelling Plaintiff to produce this document within three (3) days of the date of the Order.

5. Unless Cianna is able to promptly obtain production of the Settlement Agreement, it cannot adequately prepare for the parties' upcoming pretrial deadlines and the trial of this matter. Thus, Cianna respectfully requests that this Court give expedited consideration to its Motion to Compel.

6. Plaintiff does not oppose expedited consideration of this issue. But Plaintiff would appreciate a reasonable time in which to file a response to the Motion to Compel, and Cianna is not opposed to allowing Plaintiff time to respond.

WHEREFORE, Cianna respectfully requests that this Court give expedited consideration to its Motion to Compel Production of Settlement Agreement.

Respectfully submitted,

/s/ E. Sawyer Neely  
State Bar No. 24041574  
Darren P. Nicholson  
State Bar No. 24032789  
**SAYLES WERNER, P.C.**  
1201 Elm Street, Suite 4400  
Dallas, Texas 75270  
(214) 939-8700 Telephone  
[sneely@swtriallaw.com](mailto:sneely@swtriallaw.com)  
[dnicholson@swtriallaw.com](mailto:dnicholson@swtriallaw.com)

/s/William A. Johnson, OBA No. 4730  
David A. Elder, OBA No. 20687  
Matthew W. Brockman, OBA No. 22077  
Admitted Pro Hac Vice  
**HARTZOG CONGER CASON & NEVILLE**  
201 Robert S. Kerr Avenue, Suite 1600  
Oklahoma City, OK 73102  
[bjohnson@hartzoglaw.com](mailto:bjohnson@hartzoglaw.com)  
[delder@hartzoglaw.com](mailto:delder@hartzoglaw.com)  
[mbrockman@hartzoglaw.com](mailto:mbrockman@hartzoglaw.com)  
Telephone: (405) 235-7000  
Facsimile: (405) 996-3403

**COUNSEL FOR THE DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing instrument was served on all counsel of record in this proceeding electronically, via the Court's ECF / PACER notice system on this 15th day of April 2016. A copy will be provided to the Holland Defendants via electronic mail.

/s/ E. Sawyer Neely

**CERTIFICATE OF CONFERENCE**

Counsel for Defendant and counsel for Plaintiff have personally conducted multiple conferences during which there were substantive discussions of every item presented to the Court in Cianna's Motion to Compel. Likewise, the parties' counsel have discussed this Motion for Expedited Consideration, and Plaintiff does not oppose the motion so long as he is provided reasonable time to file a response to the Motion to Compel.

/s/ E. Sawyer Neely